

UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

In Re: :
NATALIE A. PACILEO, : BANKRUPTCY NO. 15-11315-TPA
d/b/a ERIE COUNTY FARMS, :
Debtor : CHAPTER NO. 7.
:
GARY V. SKIBA, :
Movant :
:
v. :
:
UNITED STATES OF AMERICAN, :
INTERNAL REVENUE SERVICE; :
PENNSYLVANIA DEPARTMENT OF :
LABOR AND INDUSTRY; : DOC. NO.
PENNSYLVANIA DEPARTMENT OF :
REVENUE, PERRY PLAZA ERIE, :
PA LIMITED, FORD BROTHERS :
WHOLESALE MEATS, INC., :
CONSUMER FRESH PRODUCE, INC., :
BRIGIOTTA'S FARMLAND PRODUCE & :
GARDEN CENTER, INC., JOSEPH P. :
SPERO, CHAPTER 7 TRUSTEE, and :
NATALIE A. PACILEO, :
Respondents :

NOTICE OF ZOOM HEARING AND RESPONSE DEADLINE
REGARDING MOTION TO REOPEN CASE

TO THE RESPONDENT(S) :

You are hereby notified that the Movant seeks an order affecting your rights or property.

You are further instructed to file with the Clerk and serve upon the undersigned attorney for Movant a response to the Motion by no later than June 23, 2022, [seventeen (17) days after the date of service below], in accordance with the Federal Rules of Bankruptcy Procedure, the Local Rules of this Court, and the general procedures of Judge Agresti as found on his Procedures webpage at <http://www.pawb.uscourts.gov/procedures>. If you fail to timely file and serve a written response, an order granting the relief requested in the Motion may be entered and the hearing may not be held. Please refer to the calendar posted on the Court's

webpage to verify if a default order was signed or if the hearing will go forward as scheduled.

You should take this Notice and the Motion to a lawyer at once.

A Zoom Video Conference Hearing will be held on July 7, 2022, at 10:30 a.m. before Judge Thomas P. Agresti via the **Zoom Video Conference Application** ("Zoom"). To participate in and join a Zoom Hearing please initiate and use the following link at least 15 minutes prior to the scheduled Zoom Hearing time: <https://www.zoomgov.com/j/16021303488>, or alternatively, you may use the following: Meeting ID: 160 2130 3488. For questions regarding the connection, contact Judge Agresti's Staff Lawyer or Deputy-in-Charge at 814-464-9760. **All attorneys and Parties may only appear by Zoom** and must comply with Judge Agresti's **Updated Notice of Temporary Modification of Appearance Procedures**, dated and effective August 13, 2021, which can be found on the Court's website at <https://www.pawb.uscourts.gov/content/judge-thomas-p-agresti>.

Under the current COVID-19 circumstances, the general public may appear telephonically if unable to do so via the Internet. When the need to appear telephonically arises members of the general public should immediately contact Chambers to make telephonic arrangements. Only ten minutes is being provided on the calendar. No witnesses will be heard. If an evidentiary hearing is required, it will be scheduled by the Court for a later date.

Date of Service: June 6, 2022

/s/ Gary V. Skiba
Gary V. Skiba, Esq.
Marsh Schaaf, LLP
300 State Street
Erie, PA 16507
814/456-5301
Fax No. 814/456-1103
gskiba@marshlaw.com

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NATALIE A. PACILEO,	:	
Respondents	:	

MOTION TO REOPEN CLOSED CASE

AND NOW, to-wit, comes the movant Gary V. Skiba, Esq., and files the following motion to reopen under 11 U.S.C. §350(b):

1. This case was commenced by voluntary petition filed by the debtor Natalie A. Pacileo under Chapter 13 of the Bankruptcy Code on December 14, 2015, and was converted to Chapter 1 on January 12, 2016, on debtor's motion. By order dated December 7, 2018, this case was converted to Chapter 7; and Joseph B. Spero, Esq., was appointed as the Chapter 7 trustee.

2. After further proceedings, the Chapter 7 trustee reported that no property or funds would be available after distribution of exemptions and liens; and the final decree terminating the debtor's case was entered on June 21, 2018.

3. As described in the complaint attached hereto, the plaintiff is holding \$44,992.55 in his IOLTA account from the sale of two parcels of land after this Court's authorization for same.

4. Despite the efforts by at least some of the respondents to resolve the distribution of the escrowed funds, the respondents have not been able to come to an arrangement to divide or distribute the funds among themselves.

5. The undersigned believes that resolution of entitlement and priority of the respondents' competing claims is best achieved by determination by this Court or, in the alternative, a settlement prompted by the expectation of this Court's resolution.

6. Upon reopening of this case, the undersigned will promptly file the attached proposed Complaint for Statutory Interpleader and also a motion seeking approval of the deposit of the \$44,992.55 at issue to the Registry of this Court per W.Pa.LBR 5095-1 and Mis. Proc. No. 16-207.

7. It is not believed that reappointment of the Chapter 7 trustee is required at this point.

8. There is good cause to reopen this case. There would be no prejudice to any party by reopening the case to adjudicate the Complaint in Statutory Interpleader. The movant and all respondents would benefit by a definitive resolution of

distribution of the funds in question. This Court is familiar with the underlying facts and in fact ordered the escrowing of the funds in question. No party would be detrimented.

WHEREFORE, the movant Gary V. Skiba respectfully requests that this Court enter an order reopening this case for the filing of his adversary proceeding for interpleader.

Respectfully submitted,

BY: /s/ Gary V. Skiba
Gary V. Skiba, Esq.
Marsh Schaaf, LLP
300 State St., Suite 300
Erie, PA 16507
814/456-5301
Fax No. 814/456-1112
PA Attorney I.D. No. 18153
gskiba@marshlaw.com

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CERTIFICATE OF SERVICE

I certify under penalty of perjury that this date, June 6, 2022, I served copies of the foregoing motion upon all creditors and interested parties at the addresses set forth on the attached matrix. The type of service on the party was by first class mail, postage prepaid.

Type of service made on the party below was electronic notification

also:

Ronda J. Winnecour, Esq.
cmecf@chapter13trusteewdpa.com

Dated: June 6, 2022

/s/ Gary V. Skiba
Gary V. Skiba, Esq.

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ORDER

AND NOW, to-wit, this ____ day of _____, 2022, upon consideration of the foregoing motion, said motion is granted; and the above-captioned case is reopened to allow the movant to file a Complaint in Statutory Interpleader. No Chapter 7 trustee is appointed or reappointed.

Thomas P. Agresti, Judge
United States Bankruptcy Court